

**United States District Court  
for the  
Northern District of New York**

**General Order #41**

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In the Matter of: Delegation of Authority to the Clerk to Refund overpayment of:

- 1) Filing Fees
  - 2) Attorney Admission Fees
  - 3) Overpayments of Criminal Debt
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The Judicial Conference has a long-standing policy of not refunding filings fees (JCUS March 49, p.202). With the advent of electronic case filing and the ability to pay fees electronically via Pay.gov, the Court has experienced an increased number of payment errors which have resulted in the overpayment of fees. This Order promulgates procedures for the refunding of “duplicate” filing, admission or biennial fees. In addition, this Order shall also cover overpayments made in criminal cases such as duplicate or overpayments for Special Assessments, Fines, and Restitution.

The Clerk has established a miscellaneous case wherein all requests for refunds shall be filed. The application for refund shall explain the circumstances leading to the request and the amount of the requested refund. The payer shall electronically file the application in the miscellaneous case in CM/ECF.

IT IS ORDERED that the Clerk of Court, or his designee, shall be authorized to refund a fee or overpayment if erroneously paid:

- 1) if discovered by the Court or the Clerk’s Office that a fee has been erroneously paid;
- 2) if an attorney files a request for a fee refund and it can be determined by the Clerk of Court, or his designee, that the fee has been erroneously paid; and
- 3) if the Court or Clerk’s Office discovery that a duplicate or overpayment has been made on a criminal debt account, such as an overpayment of a special assessment, fine, or restitution, the Clerk is authorized to refund the overpayment after confirming that the account has been paid in full, or the defendants’ portion of Court Ordered restitution has been paid in full.

Upon verification of the error, the refund shall be processed back by government check if the payment was made in cash or by check. If the original payment was made via credit card, the refund shall be in the form of a credit to the credit card from which the original payment was made. A letter will be sent by the Clerk of Court or his designee to the party that made the erroneous payment informing them of the error and the issuance of a refund.

IT IS SO ORDERED:

This 11<sup>th</sup> day of December 2009 at Albany, New York.

A handwritten signature in black ink, appearing to read "Norman A. Mordue", written over a horizontal line.

Norman A. Mordue  
Chief United States District Court Judge